

STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION
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INDIANAPOLIS, INDIANA 46204-2764

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IN THE MATTER OF THE PETITION)
OF NII COMMUNICATIONS LTD FOR A)
CERTIFICATE OF TERRITORIAL)
AUTHORITY TO PROVIDE FACILITIES-)
BASED SWITCHED AND SPECIAL ACCESS)
LOCAL EXCHANGE TELECOMMUNICA-)
TIONS SERVICES, INCLUDING CALLER)
ID SERVICES THROUGHOUT THE STATE)
OF INDIANA, FOR DECLINATION OF)
COMMISSION JURISDICTION UNDER I.C.)
8-1-2.6, FOR AUTHORITY TO PROVIDE)
CALLER ID SERVICES PURSUANT TO I.C.)
8-1-2.9, AND FOR CONSENT FOR USE OF)
PUBLIC RIGHTS OF WAY PURSUANT TO)
I.C. 36-2-2-23)

CAUSE NO. 42955

FILED

DEC 08 2005

INDIANA UTILITY
REGULATORY COMMISSION

You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") has caused the following entry to be made:

On November 30, 2005, nii communications, gp, LLC ("Petitioner"), filed its *Motion for Protection of Confidential, Trade Secret and Proprietary Information* ("Motion") in this Cause. In its Motion, Petitioner indicates that certain information that it intends to submit in this matter contains trade secrets ("Confidential Information") as that term is defined under Indiana Code 24-2-3-2. Information containing trade secrets is excepted from public disclosure under Indiana Code 5-14-3-4(a)(4). In support of its Motion, the Petitioner included the Affidavit ("Affidavit") of Scott Kellogg, Secretary of nii communications, gp, LLC. The Affidavit, dated November 23, 2005, has been placed in the Commission's file in this matter and is hereby incorporated by reference.

170 I.A.C. 1-1.1-4 governs the submission of confidential or privileged information to the Commission, and requires the applicant to apply for a finding by the Commission that the information is confidential. The application must be accompanied by the sworn statement or testimony of a party that describes: 1) the nature of the confidential information; 2) the reasons why the information should be treated as confidential pursuant to I.C. 8-1-2-29 and I.C. 5-14-3; and, 3) the efforts the party has made to maintain the confidentiality of the information.

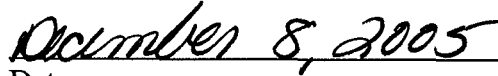
The Presiding Officer, having considered Petitioner's Motion and accompanying Affidavit, finds there is sufficient basis for determination that the Confidential Information should be held as confidential by the Commission on a preliminary basis. Accordingly, Petitioner shall hand deliver

the Confidential Information to the Presiding Administrative Law Judge. The Confidential Information should be on light green paper, in a sealed envelope clearly marked confidential with the Cause No. noted thereon, and will be treated as confidential on a preliminary basis and excepted from public disclosure in accordance with Indiana Code 5-14-3.

IT IS SO ORDERED.



Aaron Schmoll, Administrative Law Judge



Date